

# LEE COUNTY

*Committed Today for a Better Tomorrow*

REGULAR MEETING  
OF THE  
LEE COUNTY BOARD OF COMMISSIONERS  
106 HILLCREST DRIVE  
SANFORD, NORTH CAROLINA 27330

DECEMBER 15, 2014

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The regular meeting of the Board of Commissioners for the County of Lee, State of North Carolina, convened at 4 p.m. in the Commissioners' Room, First Floor, Lee County Government Center, 106 Hillcrest Drive, Sanford, North Carolina, on said date. Commissioners present were Amy M. Dalrymple, Dr. Ricky D. Frazier, Larry "Doc" Oldham, Robert T. Reives, and Timothy S. Sloan. Commissioner Kirk D. Smith was absent but participated via teleconference (with no voting privileges). Commissioner Dr. Andre Knecht was not present at the beginning of the meeting but joined the meeting at 4:10 p.m.

Chair Amy Dalrymple called the meeting to order and the following business was transacted:

Commissioner Frazier delivered the invocation.

The pledge of allegiance was recited.

The Board considered additions/changes to the Agenda. County Manager John Crumpton asked that the Board allow Strategic Services Director Don Kovasckitz to present a power-point presentation on the proposed coal ash site. Commissioner Reives moved to defer action on the removal of a board member from the Triangle South Workforce Development Board (Old Business). With no other changes made, Commissioner Frazier moved to approve the *Agenda* as amended. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan  
Nay: None  
Absent: Knecht and Smith

The Chair ruled the motion had been adopted unanimously.

Commissioner Frazier moved to approve the *Consent Agenda* which consisted of the following items:

- Minutes from the December 1, 2014 regular meeting,
- Minutes from the December 8, 2014 coal ash public hearing,
- Tax Releases and Refunds for November 2014 (copy attached),
- Planning/Inspection Departments Digitalization Project with Lee County Industries,

- Addition of Community Employment Case Manager position to the Lee County Pay Plan,
- FY 2015 Emergency Management Performance Grant Application,
- \$25.00 feel for TB Skin Assessment and TB Skin Test, and
- Resolution Recognizing Retirement of Ms. Margaret Murchison (copy attached).

Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan  
 Nay: None  
 Absent: Knecht and Smith

The Chair ruled the motion had been adopted unanimously.

At this time Commissioner Reives read and presented a Resolution of Appreciation to Ms. Margaret Murchison who will be retiring at the end of the year from WWGP-WFJA Radio with 36 years of service.

Pursuant to N.C. General Statute §153A-52.1, the Chair opened the floor for *Public Comments*. The following signed up to speak and were allowed 3 minutes for comments:

1. Mr. William Cole, 3021 Foggy Mountain Loop, Sanford (conceal carry),
2. Mr. Mark Coggins, 3909 Hunt Spring Drive, Sanford (conceal carry),
3. Mr. Andy Stevens, 2109 Leona Drive, Greensboro (conceal carry),
4. Mr. Keith Clark, 212 Acorn Drive, Sanford (community issues), and
5. Ms. Carol Carlson, 1814 Holiday Road, Sanford (community issues).

Commissioner Knecht joined the meeting at 4:10 p.m. during the *Public Comments* section of the meeting.

The Board considered the second and final reading of a Resolution to Modify an Ordinance Concerning Concealed Handguns on County Property. Commissioner Dalrymple stated that at the December 1<sup>st</sup> meeting of the Board, the first reading to amend Section 2-31 of the Code of Ordinances that allows concealed handguns on certain county property while prohibiting open carry and deadly weapons on county property and in county parks and recreation areas had been approved. A second reading of the Resolution must be approved before the Ordinance can take effect. Commissioner Dalrymple read the proposed Resolution for the record. Commissioner Knecht stated he wasn't present for the first reading of the proposed Resolution, and that the Sheriff couldn't be everywhere all the time in case of emergencies. Commissioner Smith thanked Mr. Andy Stevens for taking time to come to Lee County and express his opinions during the Public Comments section of the meeting. He further stated with the Board changing the meeting start time to 4 p.m. this violates citizens being able to attend Commissioner meetings. After discussion, Commissioner Frazier moved to approve the second reading of the *Resolution to Amend Section 2-31 of the Lee County Code of Ordinances Concerning Concealed Handguns on County Property*, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Oldham, Reives, and Sloan  
 Nay: Knecht  
 Absent: Smith

The Chair ruled the motion had been adopted by a 5 to 1.

At this time Strategic Services Director Don Kovasckitz gave a power-point presentation on what his department has learned to date on the proposed Colon Road coal ash site that had been added at the beginning of the meeting. After the department received a copy of the permit application they began mapping data for the 410-acre site. Approximately 70% of the area planned to be used for the site has not been excavated. Mr. Kovasckitz stated the mapped out dimensions of the fill measure 3,000 feet long, 1,400 feet wide, and approximately 50 feet tall. This was provided as information only – no action was taken.

The Board considered a Resolution to delay the tax reappraisal project in Lee County until January 1, 2019. Tax Administrator Mary Yow stated that currently Lee County is scheduled for a reappraisal effective January 1, 2017. A resolution is required to delay the effective date until January 1, 2019. Based on a sales ratio report provided to the Board during the December 1<sup>st</sup> meeting, staff is recommending the reappraisal be delayed until 2019. After discussion, Commissioner Oldham moved to approve the *Resolution Delaying Effective Date of a Reappraisal of Property in Lee County Until January 1, 2019*, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

The Board considered a final offer for the purchase of property located on San-Lee Drive. County Attorney Kerry Schmid stated the Estate of Wilma Chesney submitted an offer of \$100.00 to purchase property located on San-Lee Drive that includes road right-of-way that was abandoned when Poplar Road was relocated and renamed San-Lee Drive. At the December 1<sup>st</sup> meeting the Board voted to accept the offer and enter into the upset bid process. The property was advertised in *The Sanford Herald* on December 5, 2014, with no upset bids received. The recommendation from the County Attorney was to accept the offer from the Estate of Wilma Chesney for \$100.00 and authorize staff to execute necessary documents to convey the property. Commissioner Reives moved to approve a *Resolution Accepting the Sale of Property Located on San-Lee Drive*, as recommended and stated by the County Attorney, a copy of which is attached to these Minutes and by this reference made a part hereof.

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

The Board considered the appointment of a new Register of Deeds. Mr. John Kirkman, First Vice-Chair of the Lee County Democratic Party stated the Executive Committee and members of the Democratic precincts met on December 4<sup>th</sup> and voted for Ms. Pamela G. Britt to complete the term of office vacated by Ms. Mollie McInnis on December 1, 2014. Commissioner Oldham moved to approve a *Resolution Appointing Ms. Pamela G. Britt as Lee Register of Deeds*, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

The Board considered bids for the rehabilitation of a house for the 2011 Scattered Site Housing Grant Program. Community Development Manager Karen Kennedy stated an ad had been placed in *The Sanford Herald* and bid packages emailed to 16 firms for the rehabilitation of a house located at 157 Hayes Road. The following three bids were received for the project:

Touch Construction, Sanford	\$28,330.00
Compendium Contracting, Sanford	\$28,860.00
D & A Complete Construction, Lumberton	\$30,750.00

Recommendation from staff was to accept the bid from Compendium Contracting as the most responsible bidder and from past work experience. After discussion, Commissioner Frazier moved to accept the *low bid of \$28,860.00 from Compendium Contracting* for the above referenced rehabilitation project. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

The Board considered a Resolution to consider a Policy for Remote Participation for County Board Meetings. County Attorney Kerry Schmid stated that in order to avoid any legal ramifications, it is necessary to adopt a policy setting out rules and procedures for remote participation at County Board of Commissioners meetings. The policy addresses when remote participation will be allowed, whether a remote participant may vote, and whether member's telephonic presence is counted toward the quorum requirement. Commissioner Reives questioned the number of times a member could participate remotely, the grounds to allow remote participation, and if that individual would be allowed to make motions. The question was also raised if the Chair could ask the remote participant if they were at their office or where they are at the time of the teleconference call. Attorney Schmid stated she would revise the Policy and bring back to the Board for consideration at the January 5<sup>th</sup> meeting. No action was taken.

The Board considered a voting delegate for the January Legislative Goals Conference. The North Carolina Association of County Commissioners (NCACC) is requesting a voting delegate be appointed from Lee County for the January 15-16, 2015 Legislative Goals Conference in Pinehurst. After discussion, Commissioner Reives moved to appoint Commissioner Amy Dalrymple as *Lee County's Voting Delegate* for said conference. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

Commissioner Frazier moved to go into Closed Session to consult with the attorney to protect the attorney-client privilege per North Carolina General Statute §143-318.11(a) (2), and to consider a personnel matter per North Carolina General Statute §143-318.11(a) (6). Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously and the Board was in Closed Session. Upon returning from Closed Session, with all members present except Commissioner Smith, the regular meeting resumed.

At 6 p.m. the Chair recessed the regular meeting to conduct advertised joint public hearings with members of the Lee County Planning Board. Community Development Director Marshall Downey outlined the first public hearing for an application by Sandra Fleming, Judy Leslie, James Clifton, and Chris Layne to rezone from Residential Agricultural (RA) district to Highway Commercial (HC) district two (2) adjoining lots located west of Hawkins Avenue and addressed as 3309 and 3313 Hawkins Avenue.

Chair Dalrymple opened the public hearing that had been advertised for this date and time.

No one present spoke for or against the rezoning application.

Chair Dalrymple closed the public hearing.

Mr. Downey outlined the second rezoning application from Wendell Johnson to rezone from Light Industrial Conditional Use (LI-CU) district to Light Industrial (LI) district four (4) adjoining parcels of land located east of Jefferson Davis Highway and addressed as 4127 Jefferson Davis Highway.

Chair Dalrymple opened the public hearing that had been advertised for this date and time.

The following spoke in favor of the rezoning application:

1. Mr. Wendell Johnson, 3826 Center church Road, Sanford

The following spoke in opposition to the rezoning application:

1. Ms. Barbara Ann Fox, 4116 Jefferson Davis Hwy., Sanford. Ms. Foxx asked if land values would be affected if a new business went into the area and she questioned what was being planned for the property in question. Mr. Johnson stated the current fabric business (22,000 square foot building) had been on said property for 22 years and was vacant at this time. He stated he was hoping to lease the property but had no immediate plans at this time; was just looking at different options.

Chair Dalrymple closed the public hearing.

Action on the above rezoning applications will be considered at the January 5<sup>th</sup> meeting of the Board.

Finance Director Lisa Minter presented the *Monthly Financial Report* for month ending November 2014. No action was taken.

The Board considered Budget Amendment #12/15/14/07 to appropriate \$200,000 from Fund Balance to Administration's budget to cover possible legal fees associated with the coal ash matter. Commissioner Frazier moved to approve *Budget Amendment 12/15/14/07*, a copy of which is attached to these Minutes and by this reference made a part hereof. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

County Manager John Crumpton presented his *Monthly Report* for December 15, 2014, a copy of which is attached to these Minutes and by this reference made a part hereof. Commissioner Reives stated he would like the Board to get a recommendation from the Manager as how to handle the recent bond issues for Central Carolina Community College. Chair Dalrymple suggest an evening meeting with the CCCC Board of Trustees for possibly January 12, 2015. Mr. Crumpton stated he would work with the City of Sanford and Board of Education on possible joint meeting dates.

County Manager John Crumpton stated the Library Board of Directors had selected Ms. Susan Benning from Craven County (New Bern) as the new Library Director. Ms. Benning is the current Library Director for the Beaufort-Hyde-Martin Region and oversees eight (8) libraries. She will be relocating to Lee County for her new position in late January and has asked the County to pay for moving expenses. Commissioner Frazier moved to approve moving expenses of \$1,500 to Ms. Benning for her relocation from New Bern to Sanford. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith

The Chair ruled the motion had been adopted unanimously.

Chair Dalrymple addressed Commissioner Board appointments for 2015. A copy of said appointments is attached to these Minutes and by this reference made a part hereof.

Commissioner Reives asked the Clerk to contact the DA's Office for an update/report on the new crime prevention program – SAFE – and a possible presentation to the Board at one of the January meetings.

With no further business to come before the Board, Commissioner Oldham moved to adjourn the meeting. Upon a vote, the results were as follows:

Aye: Dalrymple, Frazier, Knecht, Oldham, Reives, and Sloan  
Nay: None  
Absent: Smith



The Chair ruled the motion had been adopted unanimously and the meeting adjourned at 6:40 p.m.



Amy M. Dalrymple, Chair  
Lee County Board of Commissioners

ATTEST:

  
Gaynell M. Lee, Clerk to the Board